

REMARKS**Response to Species Election Requirement**

In the Office Action, the Examiner required election of species between the following species:

(I) The Examiner asserts the following species are independent or distinct because they are "distinct domains and/or with different numbers of base pairs recognized by different transcription factors." The Examiner further asserts the species are not obvious variants and that a search and/or examination burden exists. Finally, the Examiner asserts the species are mutually exclusive under MPEP §806.04(f):

- (i) the domain is NF-kB specific (recited in claim 6);
- (ii) each domain comprises from about 14 to about 40 nucleotide base pairs (recited in claim 30); and
- (iii) each domain comprises from about 12 to about 25 nucleotide base pairs (recited in claim 31).

The Examiner has indicated claim 2 is generic. Applicant respectfully notes that claims 30 and 31 are dependent claims, and not independent claims, as the Examiner asserted in the Office Action.

Applicant respectfully traverses the requirement and requests reconsideration. Applicant submits the species set forth in Species Election (I) are not mutually exclusive. For example, a transcription factor decoy can be comprised of repeated domains that are from about 14 to about 40 (or from about 12 to about 25) nucleotide base pairs in length, wherein the domains are *also* NF-kB specific. Further, there is overlap between the ranges of nucleotide base pairs recited in claims 30 and 31. Accordingly, Applicant submits the Examiner's assertion that the species are mutually exclusive is in error. Since the species are not mutually exclusive, Applicant further submits that the same subset of prior art would be reviewed by the Examiner for each of the

species (i)-(iii), such that no undue search or examination burden exists. Hence, reconsideration and a withdrawal of the species election is respectfully requested.

Nevertheless, in order to comply with the requirement as set forth by the Examiner, Applicant provisionally elects, with traverse, species (i) for Species Election (I), wherein the domain is NF-kB specific. Claims 2, 4-7, and 30-33 encompass the elected species.

(II) The Examiner asserts the following species are independent or distinct because they are "domains with different numbers of end-to-end repeats recognized by different transcription factors." The Examiner further asserts the species are not obvious variants and that a search and/or examination burden exists. Finally, the Examiner asserts the species are mutually exclusive under MPEP §806.04(f):

(i) the concatemerized double-stranded oligonucleotide molecule comprises at least 15 end-to-end repeated copies of a domain (recited in claim 32); and

(ii) the concatemerized double-stranded oligonucleotide molecule comprises at least 20 end-to-end repeated copies of a domain (recited in claim 33).

The Examiner has indicated claim 2 is generic.

Applicant respectfully traverses the requirement and requests reconsideration. Applicant submits the species set forth in Species Election (II) are not mutually exclusive, as asserted by the Examiner. For example, a concatemerized double-stranded oligonucleotide molecule comprising at least 20 end-to-end repeated copies of a domain (claim 33) encompasses a concatemerized double-stranded oligonucleotide molecule comprising at least 15 end-to-end repeated copies of a domain (claim 32). Accordingly, Applicant submits the Examiner's assertion that the species are mutually exclusive is in error. Further, Applicant submits the same subset of prior art would be reviewed by the Examiner for each of the species (i) and (ii), such

that no undue search burden exists. Hence, reconsideration and a withdrawal of the species election is respectfully requested.

Nevertheless, in order to comply with the requirement as set forth by the Examiner, Applicant provisionally elects, with traverse, species (i) for Species Election (II), wherein the concatemerized double-stranded oligonucleotide molecule comprises at least 15 end-to-end repeated copies of a domain. Claims 2, 4-7, and 30-33 encompass the elected species.

CONCLUSION

It is believed that the instant Response involves the introduction of no new matter and represents a complete response to the Office Action dated March 23, 2011. It is believed that no additional fees are required, but in the event this is incorrect, please charge any additional fees required in connection with the present Response to Restriction Requirement to Deposit Account No. 04-1133.

Respectfully submitted,

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